सिफारिशों/टिप्पणियों पर की-गई-कार्यवाही संबंधी इक्कीसवां प्रतिवेदन (दसवीं लोक सभा)।

11. "रेलवे में परिसम्पत्तियों के सुरक्षा उपाय और रखरखाव" पर उन्नीसवें प्रतिवेदन (दसवीं लोक सभा) में अंतर्विष्ट सिफारिशों/टिप्पणियों पर की-गई-कार्यवाही संबंधी तीसरा प्रतिवेदन (ग्यारहवीं लोक सभा)।

12. "रेलवे को बजटीय सहायता" पर पहले प्रतिवेदन (ग्यारहवीं लोक सभा) में अंतर्विष्ट सिफारिशों/टिप्पणियों पर की-गई-कार्यवाही संबंधी सातवां प्रतिवेदन (ग्यारहवीं लोक सभा)।

13. "1996-97 की अनुदानों की मांगों" पर चौथे प्रतिवेदन (ग्यारहवीं लोक सभा) में अंतर्विष्ट सिफारिशों/टिप्पणियों पर की-गई-कार्यवाही संबंधी आठवां प्रतिवेदन (ग्यारहवीं लोक सभा)।

REPORT AND MINUTES OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON FINANCE

SHRI NARENDRA MOHAN (Uttar Pradesh): Sri, I lay on the Table a copy (in English and Hindi) of the Eleventh Report and Minutes of the Standing Committee on Finance on the Foreign Exchange Management Bill, 1998.

REPORT OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON EXTERNAL AFFAIRS

SHRI T.N CHATURVEDI (Uttar Pradesh): Sir, I lay on the Table a copy (in English and Hindi) of the Third Report of the Standing Committee on External Affairs on Action Taken by the Government on the recommendations/observations contained in the First Report (Twelfth Lok Sabha) on Demands for Grants of the Ministry of External Affairs for the year 1998-99.

CLARIFICATIONS BY MINISTER

Motion for Election to A.I.I.M.S., New Delhi.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI DALIT EZHILMALAI): Sir, I had moved a motion on 14th December, 1998. Subsequently that was moved again on 18th December, 1998 and that was adopted by the House. This clarification is regarding that.

The composition of the Institute is laid down in section 4 of the AIIMS Act, 1956. Clause (g) of section 4 provides for the election of three Members of Parliament of whom 2 shall be elected from among themselves by the Members of the House of People and one from among themselves by the Members of the Council of States. However, section 6(1) of the said Act provides as under:—

> "Save as otherwise provided in this section, the term of office of a Member shall be 5 years from the date of his nomination or election; Provided that the term of office of a Member elected under clause (g) of section 4 shall come to an end as soon as he ceases to be a Member of the House from which he was elected."

Further, according to clause (3) of section 6, the term of office of a Member nominated or elected to fill a casual vacancy shall continue for remainder of the term of the Member in whose place he is nominated or elected.

Clause (4) of section 6 lays down that an outgoing Member shall, unless the Central Government otherwise

directs, continue in office until another person is nominated or elected as a Member in his place and as per clause (5) of the said section an outgoing Member shall be eligible for renomination or re-election.

On moving a motion by the then Dy. Minister for Health & Family Welfare, Shri Suresh Pachouri, Member, Rajya Sabha was duly elected on 9th August, 1993 to be a Member of the Institute. Subsequently, the Rajya Sabha Secretariat informed on 25th March, 1996 that Shri Pachouri who was elected on 9.8.93 will be retiring from membership of the Rajya Sabha on 9th April, 1996 and requested this Ministry to take necessary action for filling up the vacancy. However, Shri Pachouri was again re-elected as a member of the Institute Body in pursuance of a motion adopted by the Rajya Sabha on 23rd July, 1996. The re-election of Shri Pachouri was for remainder of the term, i.e., upto 08.08.1998 in pursuance of clause (3) of section 6 of the AIIMS Act which provides that the term of office of a Member elected to fill a casual vacancy shall continue for remainder of the term of the Member in whose place he is elected. Consequently, Shri Pachouri has completed his term of office at the Institute on 8.8.1998. Rajya Sabha Sectt. also informed accordingly and requested us to take necessary action for moving the motion for election of a Member of the Rajya Sabha to the Institute.

श्री सुरेश पचौरी (मध्य प्रदेश): सभापति जी, केवल एक मिनट। मैं आपके माध्यम से, चूंकि मैं इस सदन का सदस्य हूं, इसलिए आपसे रक्षा चाहता हूं।

जैसा कि मंत्री जी ने अपने स्पष्टीकरण में कहा है कि रिमेनिंग पीरियड के लिए मेरा सदस्य के रूप में चयन किया गया था और उसकी जो अवधि थी वह 8.8.1998 तक थी। सभापति महोदय, 8.8.1998 के बाद गवर्निंग बाडी की ओर इंस्टीट्यूट बाडी की, "एस" की मीटिंग हुई 30 नवम्बर, 1998 को जिसकी अध्यक्षता स्वयं मंत्री जी ने की और सदस्य के नाते मैंने खुद उस सभा को अटेंड किया। यदि मेरा पीरियड 8.8.1998 को खत्म हो गया था जो इन्होंने शर्त लगायी है सेक्शन 6 क्लाज 3 के मुताबिक मेरा इलेक्शन हुआ था जो रिमेनिंग पीरियड के लिए था तो 8.8.1998 के बाद हुई मीटिंग 30 नवम्बर, 1998 में क्यों मुझे आमंत्रित किया गया था जिसकी अध्यक्षता खुद इन्होंने की थी। इसलिए "एस" एक्ट के सेक्शन 6 के अंतर्गत जब इलेक्शन होता है तो उसका पीरियड पांच वर्ष का होता है। मेरा जो चयन किया गया था 1996 में वह दरअसल पांच वर्ष के लिए किया गया था। मुझे जो लेटर मिला उसमें यह कहीं इंगित नहीं किया गया था कि रिमेनिंग पीरियड के लिए किया गया है। इसलिए जब 8.8.1998 को मेरा टर्म खत्म होने की बात थी तो उसके बाद मुझे पत्र मिनिस्ट्री के द्वारा और "एस" के द्वारा भी मिला तब मैंने 30 नवम्बर, 1998 को वह मीटिंग अटेंड की थी। इसलिए मैं यह मानकर चलता हूं कि मेरा जो इलेक्शन किया गया था वह पांच वर्ष के लिए है। इसलिए जो इन्होंने स्पष्टीकरण दिया है वह अपने आप में बहुत विरोधाभास से भरा हुआ है।

SHRI DALIT EZHILMALAI: The byelaws of the AIIMS are very clear. Clause 4, sub-clause 6 lays down that an outgoing Member shall -- unless the Central Government otherwise directs -- continue in office until another person is nominated and elected as a Member in his place. As per clause 5, sub-clause 4 that an outgoing Member shall be eligible for attending the meetings till such a vacancy is filled up.

MR. CHAIRMAN: He is asking a question. His term was over on 8.8.98. Even after 8.8.98, how was he invited for a meeting?

SHRI DALIT EZHILMALAI: Till the other Member was elected, he was invited. He can be re-elected or he can be re-nominated.

MR. CHAIRMAN: The question asked by the hon. Member is different. According to your statement, his term was over on 8.8.98. But a meeting was held in November for which he was invited and you have presided over it. How was he invited?

SHRI DALIT EZHILMALAI: It takes time. Once a Member's term expires, it comes to our notice. The Institute informs us. The Rajya Sabha Secretariat is informed.

MR. CHAIRMAN: The notice has to come from you. Don't bring in the Rajya Sabha Secretariat.

SHRI DALIT EZHILMALAI: Till a new Member is elected or nominated, the hon. Member is allowed to continue and is invited for the meetings. If he feels that it should not be done, we are prepared to set the things right.

SHRI GHULAM NABI AZAD (Jammu and Kashmir): Sir, the Minister is ready to put the things right.

SHRI NILOTPAL BASU (West Bengal): Sir, I am on a different matter. It is a question of propriety. The other day we were told about the Government's business, we did not find the mention of the Prasar Bharati Bill.

MR. CHAIRMAN: That is not the issue. No, no, no. That is not allowed.

Mr. Ezhilmalai, do you know what was the motion on that day? Do you remember that?

SHRI DALIT EZHILMALAI: Yes, Sir. To elect a new Member.

MR. CHAIRMAN: To elect a new Member for a regular vacancy or a casual vacancy?

SHRI DALIT EZHILMALAI: Now it is a regular vacancy. He was elected for the second time against a casual vacancy.

MR. CHAIRMAN: Now, his term was over on the 8th August, 1998. But the hon. Member is saying that he was invited to a meeting in November of which you presided. How was he invited without being a Member?

PROF. VIJAY KUMAR MALHOTRA (Delhi): Sir, a Member continues to be a Member till a new Member comes there.

MR. CHAIRMAN: I do not know. Mr. Minister, please read the byelaws.

SHRI DALIT EZHILMALAI: "Unless the Central Government otherwise directs, continues in office, untill another person is nominated or elected."

MR. CHAIRMAN: Mr. Pachouri, are you satisfied?

श्री सुरेश पचौरी: सभापति महोदय, फर्स्ट टाइम मैं 9 अगस्त, 1993 को इलेक्ट हुआ। उस समय पीरियड जो बताया गया था वह पांच साल का था। प्रश्न यह है कि राज्य सभा में कंटीन्यूटी रहती है। दोबारा जब मेरा चयन राज्य सभा के लिए हुआ तो उससे पहले कि मैं "एम्ज़" के मैंबर के लिए इलेक्ट होता, 30 जुलाई को चयन होने के बाद 30 जुलाई, 1996 को दोबारा मैं इलेक्ट किया गया, जबकि मेरा पीरियड खत्म होने से पहले ही मैं दोबारा राज्य सभा के लिए चुन लिया गया। मेरा जो पीरियड था वह अप्रैल, 1996 तक के लिए था एज़ ए मैंबर राज्य सभा, लेकिन उससे पहले ही मैं राज्य सभा के लिए निर्वाचित हो गया था। उस समय भी दरअसल ऐसा नहीं था कि राज्य सभा के सदस्य के नाते मेरा समय खत्म हो गया था, फिर भी हम कैन्युअल पीरियड उसको बता कर उस समय चुनाव किया गया और उस समय बताया गया कि अब पीरियड 5 वर्ष के लिए होगा।

MR. CHAIRMAN: As a matter of fact, the day you cease to be a Member, the membership ceases. So, you have to be re-elected for the remaining period. So, let us not discuss it. There is nothing much in that.

PRASAR BHARATI BILL

SHRI NILOTPAL BASU (West Bengal): We are talking about the Prasar Bharati Bill.

MR. CHAIRMAN: I am not allowing you.

SHRI NILOTPAL BASU: Instead of making a statement in the House on the Prasar Bharati Bill, when the Parliament session is on, the hon. Minister choose to make a statement outside. He said that he did not intend to bring forth this Bill in this session of Parliament. This is a grave departure from the conventions and